

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DISCOVISION ASSOCIATES, a California
partnership,

Plaintiff,

v.

TOSHIBA CORPORATION, a Japanese
corporation,

Defendant.

Civil Action No. 08-cv-3693 (HB) (AJP)

**TOSHIBA CORPORATION'S
NOTICE OF MOTION**

PLEASE TAKE NOTICE THAT, upon the Declaration of Paul A. Stewart dated June 4, 2008, the attached Memorandum of Law, and upon all the prior pleadings and proceedings had herein, Defendant TOSHIBA CORPORATION, by and through its attorneys, Colucci & Umans, hereby moves this Court, before the Honorable Harold Baer, on a date to be determined by the Court, or as soon thereafter as counsel may be heard, for an Order dismissing the Complaint of DISCOVISION ASSOCIATES, pursuant to Rule 12(b)(5) of the Federal Rules of Civil Procedure, or in the alternative, to quash service of the summons and complaint, and for such other and further relief as the Court deems just and proper.

Dated: June 4, 2008

By: /s/ Frank J. Colucci

Frank J. Colucci (FC-8441)
COLUCCI & UMANS
218 East 50th Street
New York, NY 10022-7681
(212) 415-8700

Paul A. Stewart (*Pro Hac Vice*)
Irfan A. Lateef (*Pro Hac Vice*)
Reza Mirzaie (*Pro Hac Vice*)
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614
(949) 760-0404

Attorneys for Defendant,
TOSHIBA CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 4, 2008, he caused a copy of the foregoing Toshiba Corporation's Notice of Motion to be served on Plaintiff's counsel listed below by filing a copy with the CM/ECF system.

James B. Kobak, Jr.
HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, New York 10004

William T. Bisset
HUGHES HUBBARD & REED LLP
350 South Grand Avenue, 36th Floor
Los Angeles, CA 90071-34442

/s/ Frank J. Colucci
Frank J. Colucci

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